



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7  
901 NORTH 5TH STREET  
KANSAS CITY, KANSAS 66101

**JUL 29 2010**

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Article Number: 7006-2760-0000-8646-9212

Mr. Chuck Goddard  
Administrator  
Dubuque Metropolitan Area  
Solid Waste Agency  
925 Kerper Court  
Dubuque, Iowa 52001-2405

Re: CERCLA Off-Site Rule: Affirmative Determination of Acceptability for Cells 4 through 9 of the Dubuque Metropolitan Area - Solid Waste Agency, 14501 Highway 20 West, Dubuque, Iowa 52002

Dear Mr. Goddard:

This letter serves to inform you that the U.S. Environmental Protection Agency (EPA) has made an affirmative determination of acceptability for the receipt of off-site waste at the Dubuque Metropolitan Area - Solid Waste Agency (Dubuque Landfill) in Dubuque, Iowa. Pursuant to Title 40 Code of Federal Regulations (40 CFR) Section 300.440(a)(4), EPA has completed an initial assessment of Dubuque Landfill, and finds Cells 4 through 9 acceptable for the receipt of off-site waste. Such off-site wastes are defined as wastes generated as a result of activities authorized or funded by the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

On September 22, 1993, EPA amended the National Oil and Hazardous Substance Pollution Contingency Plan (NCP), 40 CFR Part 300, by adding Section 300.440, now known as the Off-Site Rule. The rule implements and codifies the requirements contained in CERCLA Section 121(d)(3), and incorporates many provisions of the November 13, 1987, OSWER Directive (No. 9834.11), known as the Off-Site Policy. The Off-Site Rule establishes the criteria and procedures for determining if facilities are acceptable for the off-site receipt of CERCLA waste, and outlines the actions affected by the standard. The Off-Site Rule requires that prior to a facility's initial receipt of CERCLA waste, EPA shall determine if there are relevant releases or relevant violations at the facility.

EPA corresponded with the Iowa Department of Natural Resources (IDNR) to determine Dubuque Landfill's compliance with applicable environmental standards. The result of the correspondence indicates that Dubuque Landfill is currently in compliance with applicable environmental standards. Therefore, effective upon receipt of this letter, Cells 4 through 9 of Dubuque Landfill are acceptable to receive CERCLA off-site waste at the facility described above. Should any new information affecting this determination develop, EPA reserves the right to revisit this decision.

By issuing this notice, EPA is in no way authorizing Dubuque Landfill to undertake any waste management practice at this facility for which Dubuque Landfill has not been previously authorized by EPA or IDNR.

If you have any questions concerning this matter, please contact Deborah Bredehoff, Regional Off-Site Contact, Region 7, at (913) 551-7164.

Sincerely,

A handwritten signature in black ink, appearing to read 'Donald Toensing', with a stylized flourish at the end.

Donald Toensing  
Branch Chief  
Waste Enforcement & Materials Management  
Branch

cc: Mr. Cal Lundberg, Chief, Contaminated Sites Section  
Iowa Department of Natural Resources